

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION

Hobart P. Drake,)	C/A No. 6:09-908-JFA-WMC
)	
Plaintiff,)	
v.)	ORDER
)	
Sgt. Scott Jones; Sgt. Brian Taylor;)	
Officer Natasha Alston; Officer Harry)	
Perez; Two Officers as John Doe, et al.;)	
official and individual capacity,)	
)	
Defendants.)	
)	

This matter is before the Court on “Plaintiff’s Petition for Attorneys’ Fees, Costs, and Expenses” submitted pursuant to 42 U.S.C. § 1988(b) and Rule 54(d) of the Federal Rules of Civil Procedure. The jury returned a verdict in this case on October 8, 2010 in favor of the plaintiff against Defendant Sergeant Brian Taylor for a judgment of \$250 actual damages and \$250 punitive damages.

Attorneys for the plaintiff have submitted time records for this case totaling \$56,759 in attorneys’ fees. The attorneys’ fees paid by the defendant in Section 1983 excessive force claims by prisoners are limited to 150% of the judgment. 42 U.S.C. § 1997e(d)(2). Therefore, the amount of the judgment allows the plaintiff in this case to recover a maximum of \$750 towards attorneys’ fees. Additionally, a portion of the judgment up to 25% must be applied to the satisfy the attorneys’ fees. The Court hereby orders that \$125 of the judgment is to be applied to satisfy the amount of attorneys’ fees, and the defendant is ordered to pay

the remaining \$625.

Attorneys for the plaintiff submitted records showing they incurred costs and expenses totaling \$975.40. The Court hereby authorizes that these costs be reimbursed by the Court's library fund. The clerk shall remit a check from the library fund to Nexsen Pruet as reimbursement for expenses advanced.

IT IS SO ORDERED.

November 9, 2010
Columbia, South Carolina



Joseph F. Anderson, Jr.
United States District Judge